

REMARKS/ARGUMENT

Claims 1 - 12 and claim 18 have been cancelled.

Claims 13 - 17 are pending in the application.

Claims 13, 16 and 17 have been amended.

An amended Abstract is being submitted herewith. The abstract has been amended to reflect the method claimed.

Claim 13 has been amended to avoid the 35 U.S.C. 112 rejection.

The claims have also been amended to add the limitation that the ramped stop elements are capable of being washed or cleaned and meets the cleanliness standards as set forth by the National Sanitation Foundation. Support for this limitation is found in the first full paragraph on page 3 of the specification.

Other amendments to the claims have been made for antecedence purposes.

The rejection of claims 13-17 under 35 U.S.C. 103(a) as being unpatentable over Fullenkamp et al (US 4,314,735) (hereinafter Fullenkamp) is respectfully traversed.

This Fullenkamp reference is the antithesis of applicant's invention which involves maintaining safety and cleanliness in a commercial kitchen where hot superheated cooking oils splashed everywhere (which is one of the reasons why the cooking equipment has to be removed for cleaning). The reference structure is obviously not amenable for use in a situation where it must be

washed or cleaned to meet the cleanliness standards set by the National Sanitation Foundation.

Use of the Fullenkamp reference structure on the floor of a commercial kitchen where there is the likelihood of heated cooking oils being splashed on it creates the great possibility of a fire hazard that is not where the fire suppression is oriented to suppress.

Claims 16 and 17 require a pair of ramped stop elements; and, manifestly, the Fullenkamp reference does not suggest or teach pairs of ramped stop elements.

The invention has satisfied a long-felt need in the commercial kitchen equipment industry in that it solved the problem of expeditiously and precisely locating removed, serviced and returned kitchen equipment in its precise location in relation to the fixed fire suppression equipment.

The three previously filed declarations (Messrs. Whitty, Endsley, and Shields) provide evidence to this long-felt need. See the Board's decision in the last paragraphs on page 5.

It will be noted that this application was filed March 31, 1998 and the Fullenkamp reference was issued in February 9, 1982. The Fullenkamp reference was presumably known to those seeking to solve the problem for fifteen years. It was not until the

applicant's invention provided a solution that the problem was solved.

Finally, the declaration of Kelly Moskowitz established the commercial success of the invention. Since July 2005, the licensee of the invention has sold over 5,000 sets of the units for the purpose of maintaining the location of commercial kitchen equipment in relation to the fire suppression system in commercial kitchens. See the attached photocopy of a pamphlet, "Posi-Set™" issued by the Dormont Company. It will be noted that the invention solved the problem of National Fire Prevention Agency (NFPA) NFPA 17A, 5.6.4 which required: "Moveable cooking equipment shall be provided with a means to ensure that it is correctly positioned in relation to the appliance discharge nozzle during cooking operation."

NFPA 96 Section 12.1.2.3 states that:

"An approved method shall be provided that will ensure that the appliance is returned to an approved design location."

It is respectfully submitted that applicant's invention solves problems that have been longstanding in the industry and is meritorious and is entitled to patent protection.

Applicant respectfully requests the Examiner to grant an interview in the event this response does not place the application in condition for allowance.

Attached is a "Revocation of Power of Attorney With New Power of Attorney and Change of Correspondence Address by Inventor".

Respectfully submitted,

BACON & THOMAS, PLLC

Jim Zegeer

Jim Zegeer, Reg. No. 18,957
Attorney for Applicant

Attachments:

Revocation of Power of Attorney With New Power of
Attorney and Change of Correspondence Address by Inventor
Photocopy of Pamphlet entitled "Posi-Set™"

Suite 108
801 North Pitt Street
Alexandria, VA 22314
Telephone: 703-684-8333

Date: May 13, 2008

In the event this paper is deemed not timely filed, the applicant hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 02-0200 along with any other additional fees which may be required with respect to this paper.

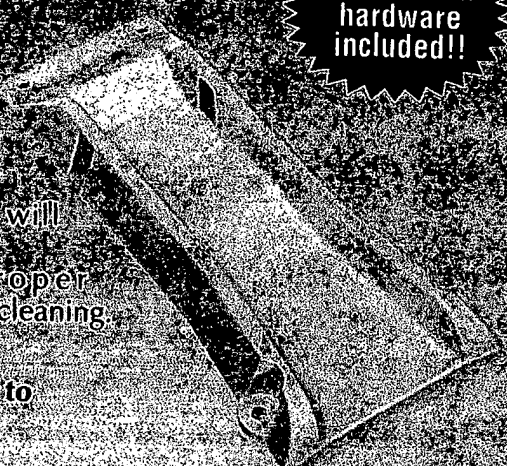
POSI-Set™



Wheel Placement System for Commercial Cooking Equipment

Installation hardware included!!

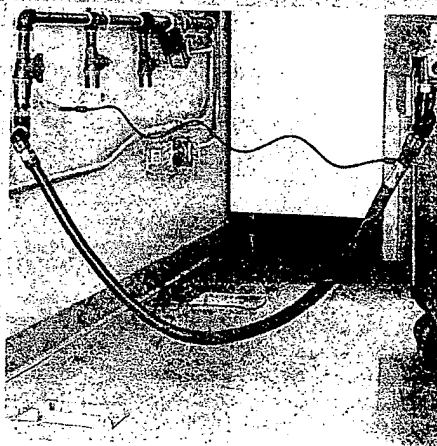
Specific to the restaurant industry, Posi-Set is installed below the rear casters of mobile equipment. Use of the Posi-Set bracket will ensure that specific cooking equipment is replaced in the proper location after removal for cleaning.



The following standards refer to the need for Posi-Set:

NEPA 17A 5.6.4

Movable cooking equipment shall be provided with a means to ensure that it is correctly positioned in relation to the appliance discharge nozzle during cooking operation.



NEPA 96 12.1.2.3

An approved method shall be provided that will ensure that the appliance is returned to an approved design location.

Protect your customers, stay in code and prevent fires with Posi-Set™.

Part of the

Dormont Safety System

 The Blue Hose	 Safety Quik
 SwivelMAX	 Snapfast
 Restraining Cable	 POSI-Set

Posi-Set™ can be used for other applications to ensure proper placement such as commercial refrigerators, electric combi-ovens, salad bars and more.



Posi-Set™ • Wheel Placement System



Product Specifications

- Posi-Set™ is a flame retardant thermo plastic resin, able to resist 500 p.s.i. of direct force.
- Size 9 3/4" x 4 1/4" x 1".
- Can be installed in new and existing applications.
- Installation hardware included.

Posi-Set Kits		
Part #	Description	List Price
PS	One (1) Set of Posi-Set™ - Bagged	\$110.00
1675KIT48PS	3/4" x 48" Connector Kit w/ Posi-Set™	\$370.00
1675KITS48PS	3/4" x 48" Connector Kit w/ Swivel Max™ & Posi-Set™	\$445.00
1675KIT2S48PS	3/4" x 48" Connector Kit w/ Double SwivelMax™ & Posi-Set™	\$505.00
1675KITCF2S48PS	3/4" x 48" Connector Kit w/ Double SwivelMax™, SafetyQuik™ & Posi-Set™	\$537.00

Posi-Set is available with a "BPQR" and "KIT" series, add PS at the end of the part number.

